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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/684,776 | 10/14/2003 | Russell S. Dietz | APPT-001-1-1 | 3352 |

21921 7590 10/05/2004

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EXAMINER

MEKY, MOUSTAFA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2157

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,776

Applicant(s)

DIETZ ET AL.

Examiner

Moustafa M Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12/17/03 & 3/8/04.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 11-59 are presenting for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 11-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al. (US Pat. No. 6,483,804).

4. As to claims 11-12, Muller shows in Fig 1A, a method of examining packets through a connection point (the point connects the network to the NIC of the circuit 100). Muller discloses the following steps:

* receiving a packet from a packet acquisition device (NIC), see col 6, lines 26-29, lines 54-60, col 8, lines 33-35;

- * performing one or more parsing/extraction operations to create a record comprising a function of selected portions of the packet, see col 7, lines 31-44, col 8, lines 50-67, col 9, lines 1-5;

- * looking up a flow-entry database 110 to determine if the packet is of an existing flow, see col 9, lines 18-24, col 11, lines 32-45 ;

- * if the packet is of an existing flow, classifying the packet as belonging to the found existing flow, see col 11, lines 46-52; and

- * if the packet is of a new flow, storing a new flow-entry in the flow-entry database 110, see col 11, lines 46-52.

5. As to claims 13-15, Muller teaches updating the flow-entry of the existing flow including measures selected from the set consisting of the total packet count, see col 7, lines 36-45, col 8, lines 50-54, lines 64-66.

6. As to claim 16, Muller shows that the function of the selected portions of the packet forms a signature (flow key), see col 8, lines 64-67, col 9, lines 1-5, col 11, lines 35-37.

7. As to claims 17-20, Muller shows at least one of the protocols uses source and destination addresses, see col 7, lines 31-40.

8. As to claim 21, Muller shows the looking up of the flow-entry database 110 uses a hash of the selected packet portions, see col 9, lines 18-22.

9. As to claim 22, Muller shows determining a set of one or more protocol from data in the packet, see col 10, lines 63-67, col 11, lines 27-30.

10. As to claim 23, Muller shows obtaining the last encountered state of the existing flow and performing any state operations required for a new flow, see col 9, lines 15-28.

11. As to claim 24, Muller shows identifying of the application program of the flow, see col 8, lines 60-61, col 12, lines 45-47.
12. As to claim 25, Muller shows storing identifying information for future packets, see col 9, lines 26-28.
13. As to claim 26, Muller shows identifying the application program of the flow, see col 8, lines 60-61, col 12, lines 45-47.
14. As to claim 27, Muller shows searching the parser record for the existence of one or more reference strings, see col 9, lines 32-36.
15. As to claim 28, Muller shows the state operations are carried by state processor , see col 9, lines 42-47, col 10, lines 61-63
16. As to claim 29-59, the claims are similar in scope to claims 11-28, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 4-16 that Muller anticipates claims 11-59.
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

M.M.M

October 01, 2004


MOUSTAFI M. MEKY
PRIMARY EXAMINER